IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7776 OF 2007
WITH
WRIT PETITION NOS.7777 TO 7783 OF 2007.

Yusuf Khan Jamil Khan (W.P.No.7776/07)
Mrs.Fatima w/d of Zulfiquar Ali Khan (W.P.No.7777/07)
Mohd. Nazsir Mohd. Bashir (W.P.No.7778/07)
Malik Manzoor A.M.Farooq (W.P.No.7779/07)
Mohd. Aslam Mohd. Usamn (W.P.No.7780/07)
Ezaz Ahmed Ali (W.P.No.7781/07)
Mohd. Imtiyaz Mohd. Hussain (W.P.No.7782/07)
Ansari Mohd. Sauleh Mohd. (W.P.No.7783/07)....Petitioners
V/s
Deputy Registrar Coop. Soc. MHADA & Ors. ...Respondents.

Mr.K.S.Patil, Adv. For the petitioners.

Ms.P.S.Cardozo, AGP For the respondent Nos. 1 & 2.

CORAM: A.P.DESHPANDE, J.
24/10/07

PC:

As common question of fact and law emerges in these writ petitions same are heard together and are being disposed of by this common order.

2. The petitioner challenges an order passed by the Deputy Registrar, Cooperative Societies approving the resolution passed purportedly by required majority of members in general meeting held for the purpose of expulsion of present petitioner. Such a resolution can only operate after approval of the Registrar by virtue of proviso to sub-section 1 of section 35 of the Maharashtra

Cooperative Societies Act. An appeal has been filed under section 152 of the act by the present petitioner before the Divisional Joint Registrar but as the Divisional Joint Registrar was not available and as no alternative arrangement was made for hearing of the appeals the present writ petitions have been filed. The petitioner was apprehending that the society may induct some other person as member in place of the petitioner and hence writ petition has been filed. Learned additional government pleader submits that one Mr.Vikas Rasal is taking up appeals and he has already started functioning since yesterday. Hence there is an appellate remedy available to the present petitioners. It is thus submitted that the writ petitions be not entertained. In this fact situation I am of the clear view that the petitioner needs to press stay application which the petitioner claim to have filed along with memo of appeal before the above referred officer. So as to enable the petitioner to press the stay application before the Appropriate Authority I grant stay to the impugned order passed by Deputy Registrar, Cooperative Society for a period of one week from today. Learned counsel for the petitioner states that the petitioner would approach the Appellate Authority on Monday the 29th October, 2007. The contesting respondent-society as well thus can remain present before the Appellate Authority. With these observations writ petitions are disposed of leaving all points open to be agitated in appeal.

24.10.07